

MONDAY, MARCH 27, 1995

TWENTY- FIFTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by the Reverend Glenn Denton, Hillcrest Baptist Church, Lebanon, Tennessee.

Representative Bell led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 94

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Kent; death in family.

Representative Cole (Carter); personal reasons.

Representative Garrett; illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 14: Rep(s). Cross, Williams (Williamson), Boyer, Kisber, White, Jackson, McDaniel and Kernell as prime sponsor(s).

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House Joint Resolution No. 106: Rep(s). Napier, Brooks, Odom, Arriola, Stamps and Head as prime sponsor(s).

House Bill No. 10: Rep(s). Fitzhugh and Ridgeway as prime sponsor(s).

House Bill No. 1354: Rep(s). Fitzhugh, White and Pinion as prime sponsor(s).

House Bill No. 1376: Rep(s). Langster as prime sponsor(s).

House Bill No. 1560: Rep(s). Langster as prime sponsor(s).

MESSAGE FROM THE GOVERNOR

March 24, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 345 and 897; also, House Joint Resolution(s) No(s). 160; with his approval.

HARDY MAYS, Counsel to the Governor.

ENROLLED BILLS

March 24, 1995

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 1832, 1833, 1836, 1838 and 1841; House Joint Resolution(s) No(s). 125, 150, 151, 152, 156, 159 and 162.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

March 24, 1995

The Speaker signed the following: House Bill(s) No(s). 1832, 1833, 1836, 1838 and 1841; House Joint Resolution(s) No(s). 125, 150, 151, 152, 156, 159 and 162.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

March 24, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill No. 485, without his signature.

HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE SENATE

March 27, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 131; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 131 -- Memorials, Personal Achievement -- Paul Grayson Smith III, Eagle Scout. by *Miller J.

MESSAGE FROM THE SENATE

March 27, 1995

MONDAY, MARCH 27, 1995 -- TWENTY-FIFTH LEGISLATIVE DAY

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 118, 121, 123, 124 and 127; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 118 -- Naming and Designating -- Designates October as "Native American Indian Month" in Tennessee. by *Rice, *Dixon, *Henry.

Senate Joint Resolution No. 121 -- Memorials, Death -- Dr. J.S. "Joe" Lyon. by *McNally.

Senate Joint Resolution No. 123 -- Naming and Designating -- "Week of the Young Child in Anderson County," week of April 3, 1995. by *McNally.

Senate Joint Resolution No. 124 -- Memorials, Heroism -- Scott Reid. by *McNally.

Senate Joint Resolution No. 127 -- Memorials, Sports -- University of Memphis men's basketball team. by *Cohen, *Ford J, *Kyle, *Dixon, *Leatherwood, *Atchley, *Burks, *Carter, *Cooper, *Crowe, *Crutchfield, *Elsea, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *McNally, *Miller J, *O'Brien, *Person, *Rice, *Rochelle, *Springer, *Wallace, *Wilder, *Womack, *Wright.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 185 -- Naming and Designating-- "Osteoporosis Week," May 14-20, 1995. by *Bowers, *Jones U (Shelby), *Brooks, *DeBerry J, *Miller L, *Pruitt, *Towns, *McMillan, *Langster, *Jones, S., *Halteman Harwell, *Eckles, *Duer, *Brown, *Hassell, *Turner (Hamilton).

Health and Human Resources Committee

House Joint Resolution No. 186 -- Highway Signs--Highway Signs - "Governor Ned McWherter Parkway," certain segment of S.R. 22 in Weakley County. by *Herron.

Transportation Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 29, 1995:

House Resolution No. 38 -- Memorials, Personal Achievements -- Eric Todd Sefton, Eagle Scout. by *Byrd.

House Resolution No. 39 -- Memorials, Personal Occasion-- Alexander Coure, Sr. by *Pruitt.

House Joint Resolution No. 187 -- Memorials, Retirement--James S. "Jimmy" Simpson. by *Walley.

House Joint Resolution No. 188 -- Memorials, Sports--1994-1995 Hillwood High School girls' basketball team. by *Odom.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to Rule No. 17, the resolution(s) listed was/were noted as being placed on the Consent Calendar for March 29, 1995:

Senate Joint Resolution No. 131 -- Memorials, Personal Achievement -- Paul Grayson Smith III, Eagle Scout. by *Miller J.

Senate Joint Resolution No. 121 -- Memorials, Death -- Dr. J.S. "Joe" Lyon. by *McNally.

Senate Joint Resolution No. 124 -- Memorials, Heroism -- Scott Reid. by *McNally.

Senate Joint Resolution No. 127 -- Memorials, Sports -- University of Memphis men's basketball team. by *Cohen, *Ford J, *Kyle, *Dixon, *Leatherwood, *Atchley, *Burks, *Carter, *Cooper, *Crowe, *Crutchfield, *Elsea, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *McNally, *Miller J, *O'Brien, *Person, *Rice, *Rochelle, *Springer, *Wallace, *Wilder, *Womack, *Wright.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

*Senate Joint Resolution No. 40 -- General Assembly, Statement of Intent or Position -- Asserts Tennessee's sovereignty under Tenth Amendment to U.S. Constitution over all powers not otherwise enumerated and granted to federal government by U.S. Constitution. by *Fowler, *Wilder.

State and Local Government Committee

Senate Joint Resolution No. 97 -- Memorials, Congress -- Memorializes Congress to establish day of national observance to honor American family. by *Burks, *Wallace, *Springer, *Fowler, *Womack, *Kyle.

Health and Human Resources Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1860 -- Gibson County -- Authorizes issuance and sale of school bonds up to \$5.3 million. Amends Chapter 62, Private Acts of 1981, as amended. by *Phelan.

House Bill No. 1863 -- White Pine-- Extends term of mayor and aldermen to regular November 1996 election; establishes regular November election as date of municipal election; permits mayor and aldermen to set salary by ordinance. Amends Chapter 176, Private Acts of 1984. by *Roach.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill:

***Senate Bill No. 15** -- Paternity -- Provides that, under certain specified circumstances, defendant in paternity case may demand jury trial, or juvenile court on its own motion may transfer such case to circuit or chancery court for jury trial. Amends TCA 36-2-106. by *Person.

***Senate Bill No. 62** -- Alcoholic Offenses -- Authorizes city or county to suspend or revoke beer permit or impose civil penalty rather than automatic revocation for failure to pay taxes. Amends TCA 575-104. by *Ford.

***Senate Bill No. 222** -- Criminal Procedure -- Removes defense to prosecution as accessory after the fact for persons who merely harbor or conceal relative. Amends TCA Title 39, Chapter 11. by *Haun.

***Senate Bill No. 279** -- Taxes, Business -- Authorizes 20 percent penalty on delinquent business taxes; authorizes city or county to turn delinquent account over to collection agent. Amends TCA 67-4-719. by *Springer.

***Senate Bill No. 669** -- Taxes, Real Property -- Removes requirement in present law that discount does not apply to tax due under tax relief provisions; makes early payment discount applicable only to payments made during the discount period for taxpayers making partial payment or receiving tax relief. Amends TCA Title 67, Chapter 5, Part 18. by *Person.

***Senate Bill No. 759** -- Architects and Engineers -- Authorizes board of architects, engineers and landscape architects to employ executive director who shall report to board. Amends TCA Section 62-2-205. by *Haynes.

***Senate Bill No. 761** -- Architects and Engineers -- Revises plans, specifications and reports which are required to have engineer's or architect's stamp. Amends TCA Title 62, Chapter 2. by *Haynes, *Crutchfield.

Senate Bill No. 1003 -- Pensions and Retirement Benefits -- Authorizes Tennessee Association of Assessing Officers to become participating employer in TCRS; employees to make same contributions

with eligibility same as other employees of local governments; retirement system not liable for payment of allowances and state to realize no increased cost. Amends TCA. by *Hamilton, *Burks.

***Senate Bill No. 1020** -- Purchasing -- Increases threshold for sealed bid requirements to \$5,000 for local governments; requires comptroller approval of local government auditors. Amends TCA Title 5, Chapter 1, Part 2; 5-14-108; Title 5, Chapter 14, Part 2; 5-8-504; 6-56-306; Title 7, Chapter 3; Title 8, Chapter 15, Part 1; 8-4-112; 49-2-203; 54-7-112, 113. by *Henry.

Senate Bill No. 1472 -- Law Enforcement -- Restricts certain personnel records of undercover law enforcement officers from being made available to public. Amends TCA Title 10, Chapter 7, Part 5. by *Haun, *McNally, *Springer, *Crowe, *Henry, *Rice.

***Senate Bill No. 1486** -- Correctional Programs -- Gives Tennessee rehabilitation and inmate labor board authority to purchase supplies, equipment and services, except for ongoing personnel, for delivery and production of prison industry products same as it can now do with raw materials. Amends TCA Section 41-22-406. by *Kyle, *Rochelle, *Atchley, *Harper.

***Senate Bill No. 1506** -- Election Laws -- Establishes qualifying deadline for candidates for county offices in presidential election years. Amends TCA Section 2-5-101 and Section 2-13-203. by *Crutchfield.

***Senate Bill No. 1508** -- Election Laws -- Requires county election commission to submit voter registration reports to state coordinator of elections; removes first class mail requirement on voter change of address forms; establishes separate closing time for voter registration for each separate election. Amends TCA 2-2-106, 109, 2-12-114. by *Crutchfield.

***Senate Bill No. 1509** -- Election Laws -- Removes requirement of ballot envelopes for early voting ballots; requires publication of sample ballot before early voting period. Amends TCA 2-5-211, 2-6-101, 105, 108, 109, 111; 2-6-304. by *Crutchfield, *Haynes.

Senate Bill No. 1512 -- Trousdale County -- Subject to local approval, authorizes legislative body to appoint chairman pro tempore or chairman of legislative body to temporarily act as county executive if county executive files notice that he will be temporarily unable to perform his duties. by *Rochelle.

Senate Bill No. 1660 -- Municipal Government -- Increases from two to three number of special censuses city may conduct at own expense to determine allocations under gas tax and sales tax. Amends TCA Title 54, Chapter 4 and Title 67, Chapter 6. by *Person, *Leatherwood.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1854 -- Harriman -- Local Bill Held on House Desk

House Bill No. 1855 -- Ridgely -- Local Bill Held on House Desk

House Bill No. 1856 -- Benton County -- Local Bill Held on House Desk

House Bill No. 1857 -- Madison County -- Local Bill Held on House Desk

House Bill No. 1858 -- Madison County -- Local Bill Held on House Desk

House Bill No. 1859 -- Henderson County -- Local Bill Held on House Desk

CONSENT CALENDAR

House Bill No. 1635 -- Hazardous Materials -- Redefines "commercial facility" for storage and treatment of hazardous waste to exclude facilities which receive mixed hazardous waste pursuant to order or agreement with commissioner of environment and conservation or solid waste disposal control board. Amends TCA 68-212-104. by *Whitson, *Coffey (*SB1630 by *Haun, *McNally).

House Bill No. 1138 -- Utilities, Utility Districts -- Allows natural gas utility districts which serve customers in Unicoi County to grant, through resolution adopted by district's board of directors, funding for chambers of commerce and economic and community organizations. Amends TCA Section 7-82-304. by *Whitson(*SB1480 by *Haun).

On motion, House Bill No. 1138 was made to conform with Senate Bill No. 1480; the Senate Bill was substituted for the House Bill.

House Bill No. 1560 -- Election Laws -- Authorizes children to enter voting booths and machines to observe parents or guardians vote. Amends TCA Title 2, Chapter 7. by *Armstrong, *Tindell, *Fitzhugh (*SB1671 by *Gilbert).

House Bill No. 951 -- Alcoholic Beverages -- Requires sign, that must be displayed by licensees stating that it is illegal to carry firearm where alcoholic beverages are served or sold, be changed to reflect that penalty is misdemeanor rather than felony. Amends TCA Title 57, Chapter 3, Part 2 and Title 57, Chapter 4, Part 2. by *Davis, *Roach, *Huskey (*SB224 by *Haun).

Senate Joint Resolution No. 18 -- Naming and Designating -- Proclaims Lebanon Appalachian Square Dance Capital of the World. by *Rochelle.

House Bill No. 1366 -- Trousdale County -- Subject to local approval, authorizes legislative body to appoint chairman pro tempore or chairman of legislative body to temporarily act as county executive if county executive files notice that he will be temporarily unable to perform his duties. by *Bell (SB1512 by *Rochelle).

On motion, House Bill No. 1366 was made to conform with **Senate Bill No. 1512**; the Senate Bill was substituted for the House Bill.

House Bill No. 150 -- Municipal Government -- Extends terms of incumbent Chattanooga city school board members because of 1997 consolidation with county system; members in office at time of charter vote shall remain until repeal takes effect unless intervening period is more than 3 years. Amends TCA Title 6, Chapter 53, Part 1. by *Stulce (*SB146 by *Crutchfield).

On motion, House Bill No. 150 was made to conform with **Senate Bill No. 146**; the Senate Bill was substituted for the House Bill.

House Bill No. 952 -- Motor Vehicles, Titling and Registration -- Authorizes special license plates for members of Junior Chamber of Commerce on same terms as other vanity plates; requires payment of additional fee of \$25.00. Amends TCA Title 55, Chapter 4. by *Kisber, *Ridgeway, *Rinks(*SB1149 by *Cooper).

House Joint Resolution No. 42 -- Naming and Designating -- "Franklin County Treasures," Eleanor Barnes Murray, official poem of Franklin County. by *Rigsby.

***House Bill No. 268** -- Auctions and Auctioneers -- Deletes requirement auctioneer commission furnish official manual to each applicant for license as auctioneer or as apprentice auctioneer. Amends TCA 6219-110. by *Rigsby, *Ramsey (SB353 by *Cooper).

On motion, House Bill No. 268 was made to conform with **Senate Bill No. 353**; the Senate Bill was substituted for the House Bill.

House Bill No. 1120 -- Board of Regents -- Extends term of Governor Buford Ellington's commissioner of education on state board of regents for six more years. Amends TCA 49-8-201. by *White (*SB1473 by *Springer, *Kyle, *Henry, *O'Brien).

On motion, House Bill No. 1120 was made to conform with **Senate Bill No. 1473**; the Senate Bill was substituted for the House Bill.

House Bill No. 73 -- Highway Signs -- "Thurston Farrar Memorial Bridge," S.R. 82, Bedford County. by *Phillips (*SB44 by *Womack, *Kyle).

On motion, House Bill No. 73 was made to conform with **Senate Bill No. 44**; the Senate Bill was substituted for the House Bill.

House Bill No. 573 -- Emergency Communications Districts -- Extends moratorium on creation of new 911 districts from April 14, 1994 and for one additional year thereafter, to April 14, 1995 and for two more years. Amends TCA Title 7, Chapter 86. by *Bragg (*SB426 by *Rochelle).

House Bill No. 574 -- Emergency Communications Districts -- Requires 911 district funds to be collateralized like state deposits or local government deposits. Amends TCA Section 7-86-126. by *Bragg (*SB427 by *Rochelle).

On motion, House Bill No. 574 was made to conform with **Senate Bill No. 427**; the Senate Bill was substituted for the House Bill.

House Bill No. 576 -- Local Government, General -- Enacts "Emergency Financial Aid to Local Government Law of 1995." Amends TCA Title 9, Chapter 13, Part 2. by *Bragg (*SB428 by *Rochelle).

On motion, House Bill No. 576 was made to conform with **Senate Bill No. 428**; the Senate Bill was substituted for the House Bill.

House Bill No. 1104 -- Municipal Government -- Adds municipal official to officials who must issue receipts for sums received in such official's capacity; makes duty of chief executive officer to procure receipt books; eliminates duty of printer of receipt books to supply list of receipt numbers to comptroller; permits official to dispose of receipt books after audit unless comptroller determines otherwise; permits municipal officials to pay for receipt books in same manner such officials pay for other office supplies. Amends TCA Section 9-2-103 and Section 9-2-105. by *Bragg, *Kisber(*SB804 by *Henry).

On motion, House Bill No. 1104 was made to conform with **Senate Bill No. 804**; the Senate Bill was substituted for the House Bill.

House Bill No. 1105 -- Public Funds and Financing -- Increases threshold for publication of local government, general obligation and refunding bond issuance in New York newspaper from \$1 million to \$5 million Amends TCA Title 9, Chapter 21. by *Bragg, *Kisber (*SB591 by *Henry).

On motion, House Bill No. 1105 was made to conform with **Senate Bill No. 591**; the Senate Bill was substituted for the House Bill.

House Bill No. 1106 -- Banks and Financial Institutions -- Revises process for determination of excise taxes allocated to local governments instead of intangible ad valorem assessments on financial institutions. Amends TCA Section 67-4-813. by *Bragg, *Kisber (*SB589 by *Henry).

On motion, House Bill No. 1106 was made to conform with **Senate Bill No. 589**; the Senate Bill was substituted for the House Bill.

House Bill No. 327 -- Judicial Officers -- Removes duty of court clerks to maintain supreme court reports in their offices. Amends TCA Title 18. by *Windle (*SB277 by *Haynes).

On motion, House Bill No. 327 was made to conform with **Senate Bill No. 277**; the Senate Bill was substituted for the House Bill.

House Bill No. 1845 -- Columbia -- Subject to local approval, authorizes city manager to appoint assistant city manager, personnel director, grants and planning director, finance director and recorder. Amends Chapter 380, Private Acts of 1972, as amended. by *Napier(SB1836 by *Jordan).

House Bill No. 1847 -- Jackson -- Subject to local approval, authorizes city council to increase base retirement benefit by 5 percent and to adjust benefits for cost of living, not to exceed 5 percent annually for retirement systems for certain city employees.

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Amends Chapter 150, Private Acts of 1943, as amended. by *Kisber, *McDaniel(SB1850 by *Carter).

House Bill No. 1849 -- Tullahoma -- Subject to local approval, establishes school bond sinking fund. Amends Chapter 553, Acts of 1903, as amended. by *Lewis(SB1838 by *Burks).

House Bill No. 1850 -- Oneida -- Subject to local approval, revises charter relative to duties of mayor, board of aldermen and chief of police. Amends Chapter 211, Private Acts of 1917, as amended. by *Winningham(SB1837 by O'Brien).

House Resolution No. 36 -- Memorials, Death -- Charles H. Lynch, Jr. by *Williams (Union).

House Resolution No. 37 -- Memorials, Death -- Lynn E. "Cotton" Kitts. by *Williams (Union).

House Joint Resolution No. 181 -- Memorials, Sports -- Rick Byrd, Head Coach Belmont University men's basketball team, NAIA Coach of the Year. by *Odom.

House Joint Resolution No. 182 -- Memorials, Death -- Clinton "Spider" Webb. by *Roach.

House Joint Resolution No. 183 -- Memorials, Death -- James Mitchell Hayes. by *Jackson.

House Joint Resolution No. 184 -- Memorials, Public Service -- Walter M. "Buck" Work. by *Jackson.

Senate Joint Resolution No. 107 -- Memorials, Professional Achievement -- Carolyn Payne, 1994 Teacher Excellence Award, Hamilton County. by *Crutchfield.

Senate Joint Resolution No. 109 -- Memorials, Death -- Martha Rimlinger O'Rear. by *Rochelle, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsea, *Ford, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McNally, *Miller, *O'Brien, *Person, *Rice, *Springer, *Wallace, *Wilder, *Womack, *Wright.

Senate Joint Resolution No. 111 -- Memorials, Retirement -- Joseph Daniel Buckner. by *Springer, *Kyle.

Senate Joint Resolution No. 112 -- Memorials, Retirement -- Sidney Chism. by *Dixon, *Kyle.

Senate Joint Resolution No. 113 -- Memorials, Personal Achievement -- Matthew Morrell, Eagle Scout. by *Haun.

Senate Joint Resolution No. 114 -- Memorials, Academic Achievement -- Amqui Elementary School of Madison, selected best school in state by Redbook magazine. by *Haynes.

Senate Joint Resolution No. 116 -- Memorials, Death -- James H. McMahon, IV. by *McNally, *Jordan.

Senate Joint Resolution No. 117 -- Memorials, Sports -- Johnson County High School basketball team. by *Crowe.

Senate Joint Resolution No. 119 -- Memorials, Retirement -- Steve Conrad, Hamilton County Election Commission Registrar--Large. by *Crutchfield.

Senate Joint Resolution No. 120 -- Memorials, Public Service -- UPS, philanthropic efforts in East Tennessee. by *Atchley, *Hamilton.

Senate Joint Resolution No. 128 -- Memorials, Recognition and Thanks -- Rev. Felton M. Smith, Jr., 25 years with Temple of Faith Church. by *Crutchfield.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 1635: by Rep. Purcell.

Under the rules, House Bill No. 1635 was/were placed at the foot of the calendar for March 29, 1995.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	93
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Brown, West -- 2.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 693** -- Gas, Petroleum Products, Volatile Oils -
- Revises Liquefied Petroleum Safety Act. Amends TCA Title 68,
Chapter 135. by *Head (SB1115 by *Cooper).

Further consideration of House Bill No. 693, previously considered on March 20, 1995, at which time Amendment No. 1 was adopted and reset for today's Calendar.

Speaker Naifeh requested that House Bill No. 693 be moved down three places on the Calendar, which motion prevailed.

House Bill No. 938 -- Appropriations -- Extends for period of five years Tennessee Intercollegiate State Legislature Foundation's present authority to carry unexpended state appropriated funds forward into subsequent fiscal years. Amends TCA 493-2002. by *Garrett, *Hassell, *Kernell, *Williams (Williamson) (*SB1451 by *Person, *Leatherwood, *Henry, *Harper).

Further consideration of House Bill No 938, previously considered on March 15, 1995, March 16, 1995 and March 20, 1995, and reset for today's Calendar.

Rep. Purcell moved that House Bill No. 938 be reset to the Calendar for April 3, 1995, which motion prevailed.

House Bill No. 1181 -- Correctional Programs -- Gives Tennessee rehabilitation and inmate labor board authority to purchase supplies, equipment and services, except for ongoing personnel, for delivery and production of prison industry products same as it can now do with raw materials. Amends TCA Section 41-22-406. by *Rhinehart, *McKee, *Pinion, *Windle, *DeBerry L, *McDonald (*SB1486 by *Kyle, *Rochelle, *Atchley, *Harper).

On motion, House Bill No. 1181 was made to conform with **Senate Bill No. 1486**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that **Senate Bill No. 1486** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigby, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

House Bill No. 522 -- Recreation -- Enacts "Tennessee Vacation Club Act of 1995." Amends TCA Title 66, Chapter 32. by *Purcell, *Huskey, *Davis, *Hargrove, *Rigsby (*SB453 by *Koella).

On motion, House Bill No. 522 was made to conform with **Senate Bill No. 453**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that Senate Bill No. 453 be passed on third and final consideration.

Rep. Purcell moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 453 by deleting in the second sentence of the amendatory language of Section 9 the following:

" Section 66-32-122"

and by substituting instead the language: " Section 66-32-123" .

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved that **Senate Bill No. 453**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 693** -- Gas, Petroleum Products, Volatile Oils -
- Revises Liquefied Petroleum Safety Act. Amends TCA Title 68,
Chapter 135. by *Head (SB1115 by *Cooper).

Further consideration of House Bill No. 693, previously considered on today's Calendar.

Rep. Head moved that **House Bill No. 693**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 91
Noes 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Joyce, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Jones, U. (Shelby) -- 1.

A motion to reconsider was tabled.

House Bill No. 612 -- Motor Vehicles, Titling and Registration -- Establishes annual special permit for transport of overdimensional manufactured roof trusses. Amends TCA Title 55, Chapter 7. by *Rinks (*SB539 by *Wallace).

Rep. Rinks moved that **House Bill No. 612** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1032 -- Uniform Commercial Code -- Redefines "security" under UCC, Article 8, in context of perfection of security interest in stock. Amends TCA Section 47-8-102. by *Rigsby, *Rinks, *Rhinehart, *West, *Hargrove (*SB659 by *Wallace).

On motion, House Bill No. 1032 was made to conform with **Senate Bill No. 659**; the Senate Bill was substituted for the House Bill.

Rep. Rigsby moved that **Senate Bill No. 659** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 269** -- Auctions and Auctioneers -- Deletes requirement that nonresident auctioneer must maintain escrow account in Tennessee. Amends TCA 6219-117. by *Rigsby (SB354 by *Cooper).

On motion, House Bill No. 269 was made to conform with **Senate Bill No. 354**; the Senate Bill was substituted for the House Bill.

Rep. Rigsby moved that **Senate Bill No. 354** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable,

Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 10** -- Highways, Roads and Bridges -- Provides for commissioner of transportation to compile listing of county seats not connected to interstate highways by four-lane roads and estimate cost of providing four-lane access; states intent of general assembly that all county seats be connected by four-lane highway to nearest interstate by shortest route. by *Walley, *Stamps, *McDonald (SB984 by *Wilder).

Rep. Walley moved that House Bill No. 10 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 10 in Section 1 by deleting the language " shall provide" and by substituting instead the language " is urged to provide" .

AND FURTHER AMEND in Section 2 by deleting the language " shall provide" and by substituting instead the language " is urged to provide" .

On motion, Amendment No. 1 was adopted.

Rep. Walley moved that **House Bill No. 10**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Brooks, Ritchie -- 2.

A motion to reconsider was tabled.

House Bill No. 1354 -- Juvenile Offenders -- Allow juvenile court to require juvenile offenders to attend alternative school. Amends TCA Title 37, Chapter 1 and Title 49, Chapter 6. by *Phelan, *Cole (Dyer), *Rinks, *McKee, *Westmoreland (*SB1571 by *Cooper).

Rep. Phelan moved that House Bill No. 1354 be reset to the Calendar for Thursday, March 30, 1995, which motion prevailed.

House Bill No. 1173 -- Public Buildings -- Revises Public Building Authority law to permit certain operating contracts. Amends TCA Title 12, Chapter 10. by *Boyer (*SB1481 by *Atchley, *Gilbert).

On motion, House Bill No. 1173 was made to conform with **Senate Bill No. 1481**; the Senate Bill was substituted for the House Bill.

Rep. Brooks requested that Senate Bill No. 1481 be moved down two places on the Calendar, which motion prevailed.

House Bill No. 847 -- Utilities, Utility Districts -- Requires utility management review board to review and comment on petition to modify utility district service area. Amends TCA Title 7, Chapter 82. by *Bragg (*SB531 by *Rochelle).

On motion, House Bill No. 847 was made to conform with **Senate Bill No. 531**; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that Senate Bill No. 531 be passed on third and final consideration.

On motion, Rep. Jones R (Shelby) withdrew State and Local Government Committee Amendment No. 1.

Rep. Bragg moved that **Senate Bill No. 531** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 644 -- Alcoholic Beverages -- Lowers county population threshold from 250,000 to 50,000 for counties where microbreweries may be authorized. Amends TCA Section 57-5-101. by *Head, *McMillan (*SB861 by *Cohen).

Rep. Head moved that House Bill No. 644 be passed on third and final consideration.

Rep. Jones R (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 644 by deleting the language " 'fifty thousand (50,000)' " from Section 1, and by substituting instead the language " seventy-five thousand (75,000)" .

AND FURTHER AMEND by adding the following new sections immediately after Section 1 to be numbered as indicated, and by renumbering Section 2 of the introduced bill as Section 6:

SECTION 2. Tennessee Code Annotated, Section 57-5-101(c), is amended by deleting the words " which produces not more than five thousand (5,000) barrels of beer annually may sell its beer directly to retailers and may perform any of the following functions" .

SECTION 3. Tennessee Code Annotated, Section 57-5-101(c)(1), is amended by adding after the word " sales" the words " of not more than five thousand (5,000) barrels of beer annually" .

SECTION 4. Tennessee Code Annotated, Section 57-5-101(c), is amended by deleting the designation " (1)" where it appears and substituting in its place the designation " (A)" ; by deleting the designation " (2)" where it appears and substituting in its place the designation " (B)" ; and by adding the designation " (1)" before the first sentence of subsection (c).

SECTION 5. Tennessee Code Annotated, Section 57-5-101(c), is further amended by adding the following language as a new subdivision to be designated as (2):

(2) A manufacturer operating as a retailer pursuant to subdivision (1)(A) may not sell its beer directly to retailers that are located in a county other than the county in which the manufacturer is located.

On motion, Amendment No. 1 was adopted.

Rep. Head moved that **House Bill No. 644**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 59
 Noes 31
 Present and not voting 5

Representatives voting aye were: Armstrong, Arriola, Bowers, Bragg, Brooks, Brown, Buck, Callicott, Cantrell, Chumney, Coffey, Cole (Dyer), Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Fowlkes, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, McKee, McMillan, Miller, Newton, Odom, Patton, Phelan, Pruitt, Purcell, Rigsby, Rinks, Robinson, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, West, Westmoreland, Whitson, Williams (Williamson), Mr. Speaker Naifeh -- 59.

Representatives voting no were: Beavers, Bell, Bittle, Burchett, Byrd, Clabough, Cross, Curtiss, Dunn, Ford, Givens, Gunnels, Haley, McAfee, McDaniel, McDonald, Napier, Peach, Phillips, Pinion, Ramsey, Ridgeway, Roach, Sharp, Shirley, Walley, White, Williams (Union), Windle, Winningham, Wood -- 31.

Representatives present and not voting were: Boyer, Hargrove, Lewis, Rhinehart, Ritchie -- 5.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on House Bill No. 644 and have this statement entered in the Journal: Rep(s). Kerr.

REGULAR CALENDAR, CONTINUED

***Senate Bill No. 1481** -- Public Buildings -- Revises Public Building Authority law to permit certain operating contracts. Amends TCA Title 12, Chapter 10. by *Atchley, *Gilbert (HB1173 by *Boyer).

Further consideration of Senate Bill No. 1481, previously considered on today's Calendar.

Rep. Boyer moved that **Senate Bill No. 1481** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
 Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway,

Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Joint Resolution No. 14** -- Constitutional Amendments -- Proposes amendment establishing constitutional rights for victims of crime and authorizing general assembly to enact legislation to define, enforce, implement and protect such rights. by *Herron, *Ridgeway, *Pinion, *Curtiss, *Fitzhugh, *McDonald, *West, *Shirley, *Haley, *Miller L, *Williams (Union), *Hassell, *Tindell, *DeBerry J, *Halteman Harwell, *Lewis, *Walley, *Byrd, *Ford, *Purcell, *Givens, *Westmoreland, *Chumney, *McMillan, *Windle, *Bird, *Peach, *Stamps.

Rep. Herron asked the Clerk to read the resolution for the first Constitutional reading.

The Clerk read the resolution for the first Constitutional reading.

Rep. Herron moved that House Joint Resolution No. 14, pursuant to the Tennessee Constitution, be reset to the Calendar for Wednesday, March 29, 1995, which motion prevailed.

***House Bill No. 363** -- Board of Regents -- Adds faculty member to board of regents for three year term; rotates appointments among board of regents institutions. Amends TCA Title 49, Chapter 8, Part 2. by *Pinion, *Herron (SB1719 by *Cohen, *Dixon, Crowe).

Rep. Pinion moved that House Bill No. 363 be reset to the Calendar for Wednesday, March 29, 1995, which motion prevailed.

House Bill No. 1373 -- Election Laws -- Establishes qualifying deadline for candidates for county offices in presidential election years. Amends TCA Section 2-5-101 and Section 2-13-203. by *Purcell, *Ridgeway, *Hargrove, *Rinks, *Chumney, *DeBerry L, *Stulce (*SB1506 by *Crutchfield).

Without objection, the Secretary of State and the Coordinator of Elections were allowed on the House Floor.

On motion, House Bill No. 1373 was made to conform with **Senate Bill No. 1506**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that **Senate Bill No. 1506** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L.,

Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1374 -- Election Laws -- Requires county election commission to submit voter registration reports to state coordinator of elections; removes first class mail requirement on voter change of address forms; establishes separate closing time for voter registration for each separate election. Amends TCA 2-2-106, 109, 2-12-114. by *Purcell, *DeBerry L, *Ridgeway, *Hargrove, *Stulce (*SB1508 by *Crutchfield).

On motion, House Bill No. 1374 was made to conform with **Senate Bill No. 1508**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that **Senate Bill No. 1508** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 92
Noes 4

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Beavers, Bowers, Joyce, Peach -- 4.

A motion to reconsider was tabled.

House Bill No. 1376 -- Election Laws -- Removes requirement of ballot envelopes for early voting ballots; requires publication of sample ballot before early voting period. Amends TCA 2-5-211, 2-6-101, 105, 108, 109, 111; 2-6-304. by *Purcell, *Ridgeway, *Hargrove, *Rinks, *Chumney, *DeBerry L, *Stulce (*SB1509 by *Crutchfield, *Haynes).

On motion, House Bill No. 1376 was made to conform with **Senate Bill No. 1509**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that Senate Bill No. 1509 be passed on third and final consideration.

On motion, Rep. Jones R (Shelby) withdrew State and Local Government Committee Amendment No 1.

Rep. McDaniel moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1509 by adding the following as a new appropriately designated section:

SECTION _____. Tennessee Code Annotated, Section 2-6-101, is amended by adding the following as a new subsection (d):

Any location of a proposed satellite voting facility shall require the approval of five (5) of five (5) members of the county election commission.

Rep. Purcell moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes 56
Noes 38

Representatives voting aye were: Armstrong, Arriola, Bell, Bowers, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Eckles, Fowlkes, Givens, Hargrove, Head, Herron, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kernell, Kisber, Langster, Lewis, McDonald, McMillan, Miller, Napier, Odom, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Windle, Winningham, Mr. Speaker Naifeh -- 56.

Representatives voting no were: Beavers, Bird, Bittle, Boyer, Burchett, Callicott, Cantrell, Clabough, Coffey, Davis, Duer, Dunn, Ford, Gunnels, Haley, Halteman Harwell, Hassell, Hicks, Huskey, Joyce, Kerr, McAfee, McDaniel, McKee, Newton, Patton, Peach, Ramsey, Sharp, Shirley, Stamps, Venable, Walley, Westmoreland, Whitson, Williams (Union), Williams (Williamson), Wood -- 38.

Rep. Rhinehart moved the previous question, which motion failed by the following vote:

Ayes 59
Noes 37

Representatives voting aye were: Armstrong, Arriola, Bell, Bowers, Bragg, Brown, Buck, Byrd, Chumney, Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Eckles, Fitzhugh, Fowlkes, Givens, Hargrove, Head, Herron, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kernell, Kisber, Langster, Lewis, McDonald, McMillan, Miller, Napier, Odom, Patton, Phelan,

Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 59.

Representatives voting no were: Beavers, Bird, Bittle, Boyer, Brooks, Burchett, Callicott, Cantrell, Clabough, Coffey, Davis, Duer, Dunn, Ford, Gunnels, Haley, Halteman Harwell, Hassell, Hicks, Joyce, Kerr, McAfee, McDaniel, McKee, Newton, Peach, Ramsey, Roach, Sharp, Shirley, Stamps, Venable, Walley, Westmoreland, Whitson, Williams (Union), Wood -- 37.

Rep. Stamps moved adoption of Amendment No. 3 as follows:
Amendment No. 3

AMEND Senate Bill No. 1509 by adding the following as a new appropriately designated section:

SECTION _____. Tennessee Code Annotated, Section 2-6-101, is amended by adding the following as a new subsection (d):

Any location of a proposed satellite voting facility shall require the approval of four (4) of five (5) members of the county election commission.

Rep. Purcell moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes 58
Noes 36

Representatives voting aye were: Armstrong, Arriola, Bell, Bowers, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Eckles, Fitzhugh, Fowlkes, Givens, Hargrove, Head, Herron, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kernell, Kisber, Langster, Lewis, McDonald, McMillan, Miller, Napier, Odum, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 58.

Representatives voting no were: Beavers, Bird, Bittle, Boyer, Burchett, Callicott, Cantrell, Clabough, Coffey, Davis, Duer, Dunn, Ford, Gunnels, Haley, Halteman Harwell, Hassell, Hicks, Joyce, Kerr, McAfee, McDaniel, McKee, Newton, Patton, Peach, Ramsey, Sharp, Shirley, Stamps, Venable, Walley, Westmoreland, Whitson, Williams (Union), Wood -- 36.

Rep. Joyce moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 1509 by adding the following as a new appropriately designated section:

SECTION _____. Tennessee Code Annotated, Section 2-6-101, is amended by adding the following as a new subsection (d):

If all local election commissioners are not in agreement regarding the location of any proposed satellite voting facility, such location shall be determined by a vote that shall reflect a percentage equal to or greater than the partisan composition of the membership of the commission.

Rep. Purcell moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes 57
Noes 36

Representatives voting aye were: Armstrong, Arriola, Bell, Bowers, Brooks, Brown, Buck, Byrd, Chumney, Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Eckles, Fitzhugh, Fowlkes, Givens, Hargrove, Head, Herron, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kernell, Kisber, Langster, Lewis, McDonald, McMillan, Miller, Napier, Odom, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 57.

Representatives voting no were: Beavers, Bird, Bittle, Boyer, Burchett, Callicott, Cantrell, Clabough, Coffey, Davis, Duer, Dunn, Ford, Gunnels, Haley, Halteman Harwell, Hassell, Joyce, Kerr, McAfee, McDaniel, McKee, Newton, Patton, Peach, Ramsey, Roach, Sharp, Shirley, Stamps, Venable, Walley, Westmoreland, Whitson, Williams (Union), Wood -- 36.

Rep. Stamps moved adoption of Amendment No. 5 as follows:

Amendment No. 5

AMEND Senate Bill No. 1509 by adding the following at the end of the amendatory language of section 10 of the printed bill.

Such rules shall be affected only upon confirmation by resolutions of the senate and house of representatives.

Rep. Purcell moved that Amendment No. 5 be tabled, which motion prevailed by the following vote:

Ayes 57
Noes 36

Representatives voting aye were: Armstrong, Arriola, Bell, Bowers, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Eckles, Fitzhugh, Fowlkes, Givens, Hargrove, Head, Herron, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kernell, Kisber, Langster, Lewis, McDonald, McMillan, Miller, Napier, Odom, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 57.

Representatives voting no were: Beavers, Bird, Bittle, Boyer, Burchett, Callicott, Cantrell, Clabough, Coffey, Davis, Duer, Dunn, Ford, Gunnels, Haley, Halteman Harwell, Hassell, Joyce, Kerr, McAfee, McDaniel, McKee, Newton, Peach, Ramsey, Ritchie, Roach, Sharp, Shirley, Stamps, Venable, Walley, Westmoreland, Whitson, Williams (Union), Wood -- 36.

Rep. Rhinehart moved the previous question, which motion prevailed by the following vote:

Ayes 64
Noes 31

Representatives voting aye were: Armstrong, Arriola, Bell, Bowers, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Eckles, Fitzhugh, Fowlkes, Givens, Gunnels, Hargrove, Head, Herron, Hicks, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kernell, Kisber, Langster, Lewis, McDonald, McKee, McMillan, Miller, Napier, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Whitson, Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 64.

Representatives voting no were: Beavers, Bird, Bittle, Boyer, Burchett, Callicott, Cantrell, Clabough, Coffey, Davis, Duer, Dunn, Ford, Haley, Halteman Harwell, Hassell, Joyce, Kerr, McAfee, McDaniel, Newton, Peach, Ramsey, Sharp, Shirley, Stamps, Venable, Walley, Westmoreland, Williams (Union), Wood -- 31.

Rep. Purcell moved that **Senate Bill No. 1509** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 58
Noes 37

Representatives voting aye were: Armstrong, Arriola, Bell, Bowers, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Eckles, Fitzhugh, Fowlkes, Givens, Hargrove, Head, Herron, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kernell, Kisber, Langster, Lewis, McDonald, McMillan, Miller, Napier, Odom, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 58.

Representatives voting no were: Beavers, Bird, Bittle, Boyer, Burchett, Callicott, Cantrell, Clabough, Coffey, Davis, Duer, Dunn, Ford, Gunnels, Haley, Halteman Harwell, Hassell, Hicks, Joyce, Kerr, McAfee, McDaniel, McKee, Newton, Patton, Peach, Ramsey, Roach, Sharp, Shirley, Stamps, Venable, Walley, Westmoreland, Whitson, Williams (Union), Wood -- 37.

A motion to reconsider was tabled.

House Bill No. 157 -- Hospitals and Health Care Facilities -- Permits commission to review certificates of need every five years and

to hold hearing for holder to demonstrate continued need. Amends TCA Titles 33; 47; 48; 68. by *Rhinehart (*SB98 by *Koella).

Rep. Rhinehart moved that House Bill No. 157 be passed on third and final consideration.

Rep. Rhinehart moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 157 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-11-104 is amended by adding the following new subsection:

() In counties with a 1990 federal census population of not less than 4,800 and not more than 5,100, all physician clinics whether sponsored by a healthcare institution, as defined in 68-11-102(4)(A) or exempted by 68-11-102(4)(B), must obtain a certificate of need.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Rhinehart moved that **House Bill No. 157**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 81
Noes 6
Present and not voting 6

Representatives voting aye were: Armstrong, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Haley, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -
- 81.

Representatives voting no were: Buck, Coffey, Dunn, Herron, Pinion, Shirley -- 6.

Representatives present and not voting were: Arriola, Boyer, Gunnels, Joyce, McKee, Windle -- 6.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on House Bill No. 157 and have this statement entered in the Journal: Rep(s). Walley.

REGULAR CALENDAR, CONTINUED

House Bill No. 949 -- Education -- Allows any school personnel to report delinquent acts by students to appropriate authorities, rather than only principal. Amends TCA Section 49-6-4209. by *Davis, *Roach, *Huskey (*SB221 by *Haun).

On motion, House Bill No. 949 was made to conform with **Senate Bill No. 221**; the Senate Bill was substituted for the House Bill.

Rep. Davis moved that Senate Bill No. 221 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 221 by deleting Section 1 of the printed bill in its entirety and substituting a new Section 1, as follows:

SECTION 1. Tennessee Code Annotated, Section 49-6-4209, is amended by adding the following sentences at the end of the section:

School personnel have the duty to report any reasonable suspicion that a student is committing or has committed any violation of 39-17-1307 to the school principal, or, if the principal is not available, to the principal's designee. If neither the principal nor the designee is available, school personnel may report such violations of Section 39-17-1307 committed on school property to the appropriate authorities.

On motion, Amendment No. 1 was adopted.

Rep. Davis moved that **Senate Bill No. 221**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	3
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Brooks, Brown, Turner (Shelby) -- 3.

Representatives present and not voting were: DeBerry, J. -- 1.

A motion to reconsider was tabled.

House Bill No. 1701 -- Hospitals and Health Care Facilities -- Allows franchise/excise tax credits based upon portion of cost of medical supplies and equipment used by or placed in service by hospital company in this state. Amends TCA 67-4-804, 808, 812, 911, Title 67. by *Kisber (*SB1722 by *Cooper).

Rep. Kisber moved that House Bill No. 1701 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1701 by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-4-804, subsection (a) is amended by adding the following new subdivisions:

() "Hospital" shall have the definition provided at Section 68-11-201, provided that as used in this chapter a "hospital" must be licensed as a hospital by the Board of Licensing Health Care Facilities pursuant to the provisions of Section 68-11-202, et seq., Tennessee Code Annotated, and further provided that a "hospital" shall not include nursing homes, ambulatory surgical treatment centers or other healthcare facilities enumerated and defined in Title 68, Chapter 11, unless operated as a part of and in connection with a "hospital."

() "Hospital Company" means a corporation or other entity subject to the taxes imposed under parts 8 and 9 of this chapter substantially all of the

activities of which during the taxable year constitute the performance of health care services and which either:

(A) owns and manages ten or more hospitals, or

(B) performs health care services for ten or more hospitals owned and managed by a corporation or other entity which is in its same controlled group as defined by Section 267(f)

(1) of the Internal Revenue Code of 1986, as amended.

The requirement of owning and managing ten or more hospitals shall be met if on an aggregate basis ten or more hospitals are owned and managed, including all hospitals owned and managed by members of the same controlled group and including all hospitals owned and managed by such partnerships and limited liability companies as would be included in the controlled group if they were corporations or other entities subject to the taxes imposed under parts 8 and 9 of this chapter. The requirement of performing health care services for ten or more hospitals shall be met if on an aggregate basis health care services are performed for ten or more hospitals, including all hospitals owned and managed by members of the same controlled group and including all hospitals owned and managed by such partnerships and limited liability companies as would be included in the controlled group if they were corporations or other entities subject to the taxes imposed under parts 8 and 9 of this chapter.

A corporation or other entity which is a partner holding a fifty percent (50%) or greater capital interest in a partnership or a member holding a fifty percent (50%) or greater capital interest in a limited liability company which owns and manages one or more hospitals shall be deemed to own and manage the hospital or hospitals owned and managed by such partnership or limited liability company. The term "substantially all of the activities" as used in this subsection means that eighty percent (80%) or more of the time spent by employees of the corporation or other entity, serving as employees, is devoted to the performance of health care services. The performance of health care services means the performance of some or all of the following services:

(A) The provision of acute, rehabilitative, chronic and preventive services to inpatient and outpatient hospital patients;

(B) Management, direction and supervision of employees, non-employees, and partners engaged in the provision of acute, rehabilitative, chronic and preventive services to inpatient and outpatient hospital patients; and

(C) All management, administrative, support, and coordinating services incident to the services named in the foregoing paragraphs (A) and (B), including tax, data processing, information systems, legal, finance, physician support service, management of processes (clinical and administrative) and marketing of individual and/or packaged health services.

SECTION 2. Tennessee Code Annotated, Section 67-4-808 is amended by adding the following new subsection:

(4) A hospital company filing a franchise/excise tax return on a combined basis as required in Section 67-4-812 (f) [Section 4 of this Act], together with all other members of its combined group filing with it, shall be allowed as a credit against the combined annual franchise/excise tax imposed an amount equal to the lesser of the franchise tax or excise tax so that the combined annual franchise/excise tax of the combined group shall be limited to the greater of the two of them.

SECTION 3. Tennessee Code Annotated, Section 67-4-808 is further amended by adding the following new subsection:

(5) A hospital company filing a franchise/excise tax return on a combined basis as described in Section 67-4-812, together with all members of its combined group filing with it, shall be allowed as a further credit against the combined annual franchise/excise tax under Section 67-4-808(4) [Section 2 of this Act] an amount equal to four percent (4%) of the cost of medical supplies and medical equipment used by or placed in service by the members of the controlled group in this state during the tax year; provided, however, that the aggregate amount of the credit allowed to a taxpayer under Section 67-4-808(4) [section 2 of this Act] together with the credit allowed to a taxpayer under this subsection shall not exceed Nine Million Dollars (\$9,000,000) in any one tax year. A corporation or other entity shall be deemed to have used or placed in service medical supplies and medical equipment used or placed in service by a partnership or limited liability company of which it is a partner or member which would be a hospital company, as defined in Section 67-4-804(8) (), [Section 1 of this Act], if it were a corporation or other entity upon which tax is imposed under parts 8 and 9 of this chapter, and would be a member of its same controlled group, as defined in Section 267(f) (1), Internal Revenue Code of 1986, as amended, if it were a corporation and its partners or members were shareholders. The amount of the cost of such medical supplies and medical equipment which is attributed to and deemed to have been used or placed in service by such corporation or other entity shall be equal to the pro rata portion of the cost of medical supplies and medical equipment used or placed in service by the partnership or limited liability company in the tax year. Such pro rata portion shall be determined based upon

the corporation's or other entity's percentage of the profits and losses of such partnership or limited liability company during such tax year. As used in this subsection the term "medical equipment" shall have the same meaning as "major medical equipment" as defined in Section 68-11-102(11), but without the limitation therein as to the cost thereof, and the term "medical supplies" shall mean all apparatus, consumable products, appliances, and other tangible personal property, except drugs and medicines, used in provision of patient health care services, including all record keeping and documentation in connection therewith.

SECTION 4. Tennessee Code Annotated, Section 67-4-812, is amended by adding a new subsection designated as follows:

(f) A hospital company, as defined in Section 67-4-804(a) (), [Section 1 of this Act], for its first tax year beginning on or after January 1, 1997, shall file its franchise/excise tax return on a combined basis together with all other corporations or other entities subject to the taxes imposed under parts 8 and 9 of this chapter which are members of its controlled group (as defined in Section 267(f) (1) of the Internal Revenue Code of 1986, as amended) and which are doing business in and taxable by this state, apportioned or allocated as to each member separately as herein provided in Sections 67-4-810 and 67-4-811, and then combined. Such combined franchise/excise tax returns shall be signed on behalf of one member of the combined controlled group for itself and on behalf of the other members of the combined controlled group, and such signature shall constitute representation and evidence of authority to file on behalf of all members of the combined controlled group. The combined return shall contain all financial statements and schedules that would be required of each member on a separate franchise/excise tax return. Each member's net earnings, or net loss subject to carryover, as the case may be, and each member's apportionment ratio, and applicable supporting schedules shall be computed separately as would be required by law if no combined return were required. The excise tax shall be computed for the combined group based on the combined earnings and net losses of the members as combined and shown on the combined return filed for members of the controlled group of companies doing business in this state. All excise tax payments and credits applicable to the members of such group shall then be offset against the group's combined excise taxes to compute the total excise taxes due or overpaid, as the case may be. The net operating losses available to each member of the controlled group shall be available for offset against the net earnings of the combined group in the first year of filing on a combined basis, and any portion thereof which is not used as an offset to net earnings of the combined group in the first combined year shall be carried forward on a combined basis to be available as an offset to future net earnings of the combined group in accordance

with and subject to the time limitations set forth in Section 67-4-805(b) (2) (C), provided that such combination shall not extend the time limitation of any then existing net operating losses. No member of the combined group may file its franchise/excise tax return on a separate basis without the consent of the Commissioner.

SECTION 5. Tennessee Code Annotated, Section 67-4-911, is amended by adding a new subsection designated as follows:

"(e) A hospital company, as defined in Section 67-4-804(a) (), [Section 1 of this Act], for its first tax year beginning on or after January 1, 1997, shall file its franchise/excise tax return on a combined basis together with all other corporations or other entities subject to the taxes imposed under parts 8 and 9 of this chapter which are members of its controlled group (as defined in Section 267(f) (1) of the Internal Revenue Code of 1986, as amended), and which are doing business in and taxable by this state, apportioned as to each member separately as herein provided in Section 67-9-910(a), and then combined. Such combined franchise/excise tax returns shall be signed on behalf of one member of the combined controlled group for itself and on behalf of the other members of the combined controlled group, and such signature shall constitute representation and evidence of authority to file on behalf of all members of the combined controlled group. The combined return shall contain all financial statements and schedules that would be required of each member of the group on a separate franchise/excise tax return. Each member's franchise tax base, and each member's apportionment ratio, franchise tax, and applicable supporting schedules shall be computed separately as would be required by law if no combined return were required. The franchise taxes so computed for each member shall then be combined and shown on the combined return filed by members of the controlled group of companies doing business in this state. All franchise tax payments and credits applicable to the members of such group shall then be offset against the group's combined franchise taxes to compute the total franchise taxes due or overpaid, as the case may be, on the combined return filed. No member of the combined group may file its franchise/excise tax return on a separate basis without the consent of the Commissioner.

SECTION 6. The General Assembly finds that investor-owned hospitals do not meet the requirements for tax exempt organizations under Section 501(c)(3) of the Internal Revenue Code, which standards must be met by tax-exempt, not-for-profit hospitals. This act shall not be interpreted or construed as reflecting a legislative finding that investor-owned hospitals meet such standards.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the

invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. This act shall take effect upon becoming law, and shall apply to all tax years beginning on or after January 1, 1997, the public welfare requiring it; provided, however, that the provisions of Sections 2 and 3 of this Act shall not apply to tax years beginning on or after January 1, 2007.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Kisber moved that **House Bill No. 1701**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	88
Noes	1
Present and not voting	7

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Haldeman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Cross -- 1.

Representatives present and not voting were: Beavers, Brooks, Brown, Coffey, Jones, U. (Shelby), Lewis, West -- 7.

A motion to reconsider was tabled.

House Bill No. 296 -- Motor Vehicles, Titling and Registration -- Removes restrictions which limit motorists with special plates from obtaining multiple plates. Amends TCA Title 55, Chapter 4. by *Stulce (*SB147 by *Crutchfield).

On motion, House Bill No. 296 was made to conform with **Senate Bill No. 147**; the Senate Bill was substituted for the House Bill.

Rep. Stulce moved that Senate Bill No. 147 be passed on third and final consideration.

Rep. Stulce moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Stulce moved that **Senate Bill No. 147** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1236 -- Traffic Safety -- Purports to change certain highway speeding offenses by changing present law from is a Class C misdemeanor to shall be a Class C misdemeanor; makes speeding offenses in business, urban or residential districts Class B misdemeanor. Amends TCA Section 55-8-152 and 153. by *Windle (*SB1502 by *Womack).

Rep. Windle moved that House Bill No. 1236 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1236 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-8-152(g)(2), is amended by inserting the following language following the last sentence of that section:

However, notwithstanding any provision of the law to the contrary, a violation of the reduced speed limits set by the department of transportation, pursuant to Section 55-8-153, is a Class B misdemeanor when employees of the department of transportation or construction workers are present.

SECTION 2. Tennessee Code Annotated, Section 55-8-153, is amended by adding the following paragraph:

(e) A violation of the speed limits established by the department of transportation, pursuant to subpart (a) of this section shall be a Class B misdemeanor when employees of the department of transportation or construction workers are present. The department of transportation, or its agents, are hereby directed to

indicate the presence of workmen or department employees with signs with flashing amber lights. The minimum fine for a violation of the speed limits set under this section shall be two hundred fifty dollars (\$250).

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Buck moved that House Bill No. 1236 be reset to the Calendar for Wednesday, March 29, 1995, which motion prevailed.

***House Joint Resolution No. 106 -- Constitutional Amendments --**
Deletes constitutional ban on lotteries. by *Kernell, *Langster,
*Cantrell.

Rep. Kernell requested that the Clerk read the resolution for the second Constitutional reading.

The Clerk read the resolution for the second Constitutional reading.

Rep. Kernell moved that House Joint Resolution 106, pursuant to the Tennessee Constitution, be reset to the Calendar for March 29, 1995, which motion prevailed.

UNFINISHED BUSINESS

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to the suspension of **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on March 29, 1995:

House Bill No. 279: by Rep. Kisber.

House Bill No. 592: by Rep. Pruitt.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 47: Rep(s). Buck as prime sponsor(s).

House Bill No. 406: Rep(s). Williams(Williamson) as prime sponsor(s).

House Bill No. 394: Rep(s). Haley as prime sponsor(s).

House Bill No. 643: Rep(s). Haley as prime sponsor(s).

House Bill No. 731: Rep(s). Haley as prime sponsor(s).

House Bill No. 1548: Rep(s). Stamps as prime sponsor(s).

House Bill No. 1719: Rep(s). Langster as prime sponsor(s).

House Bill No. 1787: Rep(s). McDaniel as prime sponsor(s).

MESSAGE FROM THE SENATE
March 27, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 537, 708, 748, 1263 and 1570; also, Senate Joint Resolution(s) No(s). 98, 103 and 105; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 27, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1832, 1833, 1836, 1838, and 1841; also, House Joint Resolution(s) No(s). 125, 150, 151, 152, 156, 159 and 162; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK
March 27, 1995

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 1832, 1833, 1836, 1838 and 1841; also, House Joint Resolution(s) No(s). 125, 150, 151, 152, 156, 159 and 162.

BETTY KAY FRANCIS, Chief Engrossing Clerk.
SIGNED

March 27, 1995

The Speaker signed the following: Senate Bill(s) No(s). 170 and 200.

MESSAGE FROM THE SENATE
March 27, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 179; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED
March 27, 1995

The Speaker signed the following: Senate Bill(s) No(s). 537, 708, 748, 1263, and 1570; also, Senate Joint Resolution(s) No(s). 98, 103 and 105.

ENGROSSED BILLS
March 27, 1995

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 10, 573, 612, 644, 693, 951, 952, 1560, 1845, 1847, 1849 and 1850; also, House Joint Resolution(s) No(s). 42, 181, 182, 183 and 184.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
March 27, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1146; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 27, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 66; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 27, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 120; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED
March 27, 1995

The Speaker signed the following: Senate Joint Resolution(s) No(s). 120.

MESSAGE FROM THE SENATE
March 27, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 121, 295, 459, 554, 744, 1144, 1190 and 1689; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 121** -- Medical Occupations -- Revises membership of board of occupational and physical therapists; revises renewal of memberships to be based on applicant's birth month and birth year. Amends TCA 6313-103, 303, 306. by *Holcomb.

***Senate Bill No. 295** -- Purchasing -- Establishes thresholds for use of competitive bidding in local governments with population over 150,000. Amends TCA Title 12, Chapter 3, Part 10. by *Haynes.

***Senate Bill No. 459** -- Criminal Offenses -- Makes it Class C misdemeanor to attach or place sheets, signs or advertisements on fences that border interstate highways. Amends TCA Title 39, Chapter 17, Part 1. by *Harper.

***Senate Bill No. 554** -- Motor Vehicles, Titling and Registration -- Changes present uniform expiration date of March 31 for special license plate to staggered system determined by commissioner of safety. Amends TCA 55-4-104, 206. by *Koella.

***Senate Bill No. 744** -- Bail, Bail Bonds -- Raises maximum amount of arrest or bail bond certificate acceptable as arrest or bail bond to guarantee court appearance from \$1,000 to \$5,000. Amends TCA Section 40-11-146. by *Kyle.

***Senate Bill No. 1144** -- Sexual Offenses -- Adds to list that convicted persons are required to furnish biological specimen for DNA analysis, persons convicted of rape of child; allows use of DNA data in investigation of future child rapes. Amends TCA 38-6-113, 40-35-321. by *Haun.

***Senate Bill No. 1190** -- Insurance, Health, Accident -- Includes, rather than excludes, nonprofit hospital and medical service organization as member insurer under Tennessee Life and Health Insurance Guaranty Association Act. Amends TCA Section 56-12-203. by *Rochelle.

***Senate Bill No. 1689** -- Metropolitan Government -- Defines "competitive bidding" under metropolitan charter for purchases in excess of \$1,000; lists requirements for use of bidding process. Amends TCA Title 7, Chapter 3. by *Haynes.

**ENGROSSED BILLS
March 27, 1995**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 157 and 1701.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SENATE BILL RETURNED

The Clerk returned Senate Bill No. 1783 to the Senate, as requested.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

RECESS MOTION

MONDAY, MARCH 27, 1995 -- TWENTY-FIFTH LEGISLATIVE DAY

On motion of Rep. Purcell, the House recessed until 2:00 p.m.,
Wednesday, March 29, 1995.